

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Antonio King,
Plaintiff

v.

Civil No. 04-cv-356-SM

Cesar Rivas; Theresa Pendleton;
and James O'Mara, Jr.,
Superintendent of the
Hillsborough County
Department of Corrections,
Defendants

O R D E R

Defendant seeks an award of costs under the provisions of Fed. R. Civ. P. 68, asserting that an offer of judgment in proper form was extended to the plaintiff "[i]n January, 2005. But no such offer was filed and defendant has neither adequately described the offer, nor appended a copy of it to any pleading. Plaintiff engages on the point, seemingly not disputing that an offer of judgment was extended, and claims that it was ineffective because ambiguous, but he also does not describe the offer with any precision and has not appended a copy of it to any pleading. Counsel to the defendant shall promptly file a copy of the referenced offer of judgment. Counsel to plaintiff shall note any objection to the authenticity of the copy by close of business on February 27, 2008.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

February 22, 2008

cc: Michael J. Sheehan, Esq.
Elizabeth L. Hurley, Esq.
John A. Curran, Esq.